

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re Cablevision Consumer Litigation

Case No. 10-cv-04992(JS)(AKT)

This Document Relates To:

ECF Case

All Actions

**NOTICE OF MOTION TO STRIKE TESTIMONY AND REPORT OF
ELIZABETH LOSINKSI AND TO PRECLUDE DEFENDANTS FROM RELYING
ON UNTIMELY DISCOVERY**

PLEASE TAKE NOTICE that Plaintiffs will and hereby do move this Court, the Honorable Joanna Seybert, United States District Judge, in Courtroom 1030, United States Courthouse, 100 Federal Plaza, Central Islip NY 11722, on a date and time designated by the Court, for an order pursuant to Rules 26(a), 26(c), and 37(c) of the Federal Rules of Civil Procedure and Rules 401, 402, 403 and 702 that: (1) Expert Report Of Elizabeth Losinski submitted on behalf of Defendants, dated July 18, 2014, including the exhibits thereto, be stricken and defendants be precluded from introducing it as evidence; (2) Defendants be precluded from presenting Elizabeth Losinski as a fact or expert witness in support of their defenses; and (3) Defendants be precluded from relying on discovery produced on July 18, 2014, in the form of documents Bates-stamped CSC00354404-354541.

In support of this motion, Plaintiffs' submit Plaintiffs' Memorandum of Law In Support Of Motion To Strike Testimony and Report Of Elizabeth Losinski and To Preclude Defendants From Relying On Untimely Discovery; Declaration of Carol S. Shahmoon in Support of Motion To Strike Testimony and Report Of Elizabeth Losinski

and To Preclude Defendants From Relying On Untimely Discovery and exhibits annexed thereto, and a Proposed Order.

Currently the discovery cut-off for completion of expert depositions is on or about Sept. 30, 2014. The parties are attempting to schedule the depositions of Plaintiffs' experts the week of Sept. 15, 2014 and Defendants' experts the week of Sept. 22, 2014. Plaintiffs respectfully seek to stay the deposition of Ms. Losinski, pending the outcome of this motion.

PLEASE TAKE FURTHER NOTICE THAT Plaintiffs respectfully request oral argument.

Dated: August 8, 2014

Respectfully submitted,

SHAHMOON & ELLISEN LLP

By: /s/ Carol S. Shahmoon
Carol S. Shahmoon
cshahmoon@sandelaw.com
370 Lexington Avenue, 24th Floor
New York, NY 10017
Tel. (646) 820-5490
Fax (917) 591-3064

LAW OFFICE OF TODD J. KROUNER

By: /s/ Todd J. Krouner
Todd J. Krouner
tkrouner@krounerlaw.com
93 North Greeley Avenue
Chappaqua, NY 10514
Tel. (914) 238-5800
Fax (914) 238-5820

STONE BONNER & ROCCO LLP

By: /s/ Ralph M. Stone
Ralph M. Stone
rstone@lawssb.com
145 West 45th Street, Suite 701
New York, NY 10036
Tel. (212) 239-4340

Fax (212) 239-4310

Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Carol S. Shahmoon, certify that a true and correct copy of Plaintiffs' Notice of Motion to Strike Testimony And Report Of Elizabeth Losinski And To Preclude Defendants From Relying On Untimely Discovery has been served via First Class U.S. Mail and via ECF to the below-listed attorney for Defendants on August 8, 2014 in accordance with the requirements of the Federal Rules of Civil Procedure:

Joseph Serino, Jr.
Kirkland & Ellis LLP
601 Lexington Avenue
New York, New York 10022

/s/ Carol S. Shahmoon
Carol S. Shahmoon